UNITED STATES DIST SOUTHERN DISTRIC			
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JOSE CARRION,		:	
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	Petitioner,	:	23-CV-7374 (JMF)
-V-		:	ORDER
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MRS. MCINTOSH,		:	
	Dagwandant	:	
	Respondent.	: •	
		X	

JESSE M. FURMAN, United States District Judge:

On September 20, 2023, Petitioner submitted an application for counsel. *See* Docket No. 13. In determining whether to grant an application for counsel, the Court must consider "the merits of [the petitioner's] case, the [petitioner's] ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the [petitioner's] ability to gather the facts and deal with the issues if unassisted by counsel." *Cooper v. A. Sargenti Co., Inc.*, 877 F.2d 170, 172 (2d Cir. 1989) (per curiam). As a threshold matter, in order to qualify for counsel Petitioner must demonstrate that his claim has substance or a likelihood of success. *See Hodge v. Police Officers*, 802 F.2d 58, 60-61 (2d Cir. 1986). In reviewing a request for counsel, the Court must be cognizant of the fact that volunteer attorney time is a precious commodity and, thus, should not grant a request for counsel indiscriminately. *Cooper*, 877 F.2d at 172.

A more fully developed record will be necessary before it can be determined whether Petitioner's chances of success warrant his request for counsel. Accordingly, it is hereby ORDERED that Petitioner's September 20, 2023 application for of counsel is denied without

prejudice to renewal at such time as the existence of a potentially meritorious claim may be demonstrated.

The Clerk of the Court is directed to mail a copy of this Order to the Petitioner.

United States District Judge

SO ORDERED.

Dated: September 26, 2023

New York, New York

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